

³ 47 C.F.R. §§ 15.209 and 15.521(c).

to the more lenient standards specified in Section 15.209.⁴ Based on its desire to pursue a cautionary approach in its introduction of UWB standards, the Commission also required a demonstration that the emissions from the digital circuitry are not intended to be radiated from the antenna. The Commission also stated that emissions from digital devices, *i.e.*, circuitry used to control additional functions or capabilities, as defined in Section 15.3(k), are subject to the limits specified in Section 15.109 for Class A or B digital devices, as appropriate.⁵ In the recently adopted *Memorandum Opinion and Order and Further Notice of Proposed Rule Making* in ET Docket No. 98-153, the Commission, for the sake of clarity, amended the language in Section 15.521(c) to more closely reflect the language contained in the text of the *First Report and Order*.⁶ The Commission stated that the need to modify the rule was demonstrated by two separate pending requests: an Application for Review filed against a grant of certification issued to Time Domain Corporation for its UWB transmitter, as discussed below, and this Request for Declaratory Ruling.

4. In another recently adopted *Memorandum Opinion and Order* (“MO&O”), the Commission denied an Application for Review of a grant of certification issued to Time Domain Corporation for its UWB transmitter, FCC ID NUF-200SGT-0702.⁷ This Application for Review was filed by many of the same requesting parties, who raised essentially the same arguments that they present in this Request for Declaratory Ruling. In this MO&O, the Commission concluded that: the digital circuitry discussed in Section 15.521(c) includes circuitry used to control and enable the operation of the transmitter; the emissions produced by the Time Domain transmitter were from digital circuitry used with the UWB transmitter; these emissions are subject to the limits specified in Section 15.209; and the test procedure sought by the requesting parties is not feasible and would not provide useful test results. Thus, the Commission has been clear in its recent decisions that the standard specified in Section 15.521(c) applies to emissions from all digital circuitry contained within UWB transmitters. As long as these emissions are not intended to be radiated from the antenna, they are subject to the limits specified in Section 15.209.

5. Accordingly, under the authority contained in Sections 0.31(i) and (j) and 0.241(a) of the Commission's regulations, 47 CFR §§ 0.31(i) and (j) and 0.241(a), IT IS ORDERED that the request for a declaratory ruling of 47 C.F.R. § 15.521(c), as described above, IS DISMISSED.

6. Questions regarding this Order can be directed to John Reed at jreed@fcc.gov or at (202) 418-2455.

Ed Thomas
Chief, Office of Engineering and Technology

⁴ See *First Report and Order* in ET Docket No. 98-153, 17 FCC Rcd 7435, 7506 (2002).

⁵ *Id.* See, also, 47 C.F.R. §§ 15.3(h), (i) and (k), 15.107, and 15.109.

⁶ *Memorandum Opinion and Order and Further Notice of Proposed Rule Making* in ET Docket No. 98-153, FCC 03-33, released March 12, 2003, at para. 150.

⁷ See *Memorandum Opinion and Order*, Application for Review of Certification of a Time Domain UWB Transmitter, FCC Identifier NUF-200SGT-0702, 18 FCC Rcd 2369 (2003) at para. 8-10.